

**REMARKS**

Claims 1-28 are pending. By this Amendment, claims 1-3 and 15 are amended for correcting informalities and improving clarity. No new matter is added. Reconsideration of the application is respectfully requested.

Applicant notes with appreciation the indication of allowable subject matter in claims 3-7.

The Office Action withdraws consideration of claims 8-14 and 16-28.

The Office Action rejects claim 15 under 35 U.S.C. §102(b) over JP-A-09-001694 to Nakagawa; and rejects claim 15 under 35 U.S.C. §102(b) over JP-A-04-275136 to Endo.

These rejections are respectfully traversed.

Claim 15 recites, *inter alia*, that the first color side wall rubber and the second color side wall rubbers are structured by a continuous rubber ribbon wound on the tire in plural turns, respectively, and the cover rubber is structured by a single thin annular rubber sheet.

The Office Action asserts claim 15 does not further define the structure of the tire article as claimed. Claim 15 is amended to improve clarity by more positively reciting the structure of the first and second side wall rubbers.

Both Nakagawa and Endo are silent about how the side wall portions are applied. More specifically, both Nakagawa and Endo merely describe that a side wall has rubbers attached thereto. Therefore, Nakagawa and Endo do not specifically disclose that the first color side wall rubber and the second color side wall rubbers are structured by a continuous rubber ribbon wound on the tire in plural turns, respectively, and the cover rubber is structured by a single thin annular rubber sheet, as recited in claim 15. Accordingly, claim 15 is patentable over Nakagawa and Endo. As such, withdrawal of these rejections is respectfully requested.

The Office Action rejects claim 1 under 35 U.S.C. §103(a) over Endo in view of JP-A-2002-79590 to Tanaka et al. (hereinafter "Tanaka"). This rejection is respectfully traversed.

Claim 1 recites, *inter alia*, winding a continuous second color rubber ribbon and a continuous first color rubber ribbon in plural turns to stamp each of the second color side wall rubbers and the first color side wall rubber on the side face of a carcass member formed in the toroidal state, and winding a rubber sheet in one turn in the annular state to stamp said cover rubber on the outside of the first and second side wall rubbers by winding so as to shape a green tire.

The Office Action admits that Endo does not teach or suggest the manner in which the first and second colored sidewall portions are applied in the tire, but asserts that the general technique of forming layers by winding rubber layers in successive turns is well known and conventional in the tire industry, as disclosed by Tanaka. The Office Action further asserts that Applicant has not provided a conclusive showing of unexpected results to establish a criticality for the claimed method.

Applicant respectfully submits that paragraphs [0008]-[0009] of the specification discuss the problem of winding the colored side wall portions and the cover rubber. That is, as discussed in these paragraphs, if the cover rubber is wound in plural turns on the first and second colored side wall portions, the overlapping portion of the ribbon of the cover rubber causes an edge of the cover rubber to be rough when a portion of the cover rubber is removed by buffing, as shown in Fig. 3(a). It is also difficult to make the overlapping portion zero.

On the other hand, according to the features of claim 1, the first and second colored side wall portions are wound in plural turns on the tire, but the cover rubber is wound in only one turn. Therefore, there is only a single layer of the cover rubber, and when a portion of the cover rubber is buffed to express the first colored side wall portion, the edges of the cover

rubber would not have a rough shape, providing an superior appearance of the characters or lines by the first colored side wall portion.

Applicant respectfully submits that neither Endo nor Tanaka recognize this problem and thus do not provide a solution to the problem. MPEP §2141.02(III) states that the discovery of source of a problem itself is patentable. See *In re Sponnoble*, 405 F.2d 578, 585, 160 USPQ 237, 243 (CCPA 1969). Therefore, Applicant respectfully submits that claim 1 is patentable over Endo and Tanaka. As such, withdrawal of the rejection is respectfully requested.


The Office Action rejects claim 2 under 35 U.S.C. §103(a) over Endo in view of Tanaka, and further in view of the admitted prior art (hereinafter "APA"). This rejection is respectfully traversed.

APA is relied on for the teaching of how the cover rubber is applied. However, APA does not address the above-discussed problem. Therefore, claim 2 is allowable at least for its dependence on allowable claim 1, as well as for the additional features it recites. As such, withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Scott M. Schulte  
Registration No. 44,325

JAO:KXH/hms

Date: February 10, 2009

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 320850**  
**Alexandria, Virginia 22320-4850**  
**Telephone: (703) 836-6400**

|  |
|--|
| <p>DEPOSIT ACCOUNT USE<br/>AUTHORIZATION<br/>Please grant any extension<br/>necessary for entry;<br/>Charge any fee due to our<br/>Deposit Account No. 15-0461</p> |
|--|